

**REMARKS**

Applicant thanks the Examiner for the careful review of this application. Claims 18 and 26 were amended to clarify aspects of the claimed embodiments. No new matter was added. Claims 3 and 15 were previously canceled without prejudice. Therefore, claims 1-2, 4-14 and 16-39 are currently pending in this application.

**SUMMARY OF EXAMINER INTERVIEW**

An Examiner telephonic interview took place on June 6, 2006. Present at the interview was Jonathan P. Kudla (Reg. No. 47, 724). Briefly, Applicant inquired about performing an amendment on the rejected independent claims (claims 18 and 26) which would result in the rejected independent claims containing subject matter found to be allowable in independent claim 1. The Examiner indicated that the proposed claim amendment would be acceptable but reserved the right to change her indication of favorability once the proposed amendment is filed. The interview was then concluded.

**REJECTIONS UNDER 35 U.S.C. § 102(b) AND 35 U.S.C. § 103(a)**

Claims 18-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by "NetFlow Services and Applications."

Claims 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of NetFlow. Claims 38-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over NetFlow in view of Ohyoshi (U.S. Patent No. 6,094,419).

Applicant respectfully traverses for the following reasons.

NetFlow apparently discloses a suite of products for monitoring and managing network traffic.

Ohyoshi apparently discloses a traffic control method that can perhaps prevent the number of cells transmitted to an ATM network when a maximum transmission rate

is exceeded. When a frame F is transmitted from a frame relay network FR1 to an IWF, a traffic control part, included in the frame relay network FR1, measures the transmission data quantity for a measuring time in a DLCI connecting the frame relay network FR1 and the IWF. Successively, the traffic control part detects a traffic restrictive level corresponding to the measured transmission data quantity. Then, the traffic restrictive process, corresponding to the restrictive level, is performed, and the frame transmission is controlled by the transmitted terminal of the frame F.

As indicated in the above-listed Summary of Examiner Interview section, Applicant has amended independent claims 18 and 26 to include allowable subject matter that is present in claim 1. Due to these additional claim limitations, Applicant respectfully submits that independent claims 18 and 26 and their various dependent claims are also allowable. Withdrawal of the rejections of claims 18-31, 33-34 and 38-39 is respectfully requested.

**ALLOWABLE SUBJECT MATTER**

Applicant thanks the Examiner for noting the presence of allowable subject matter in claims 1-2, 4-14, 16-17, 32 and 35-37.

**CONCLUSION**

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested. The amendment was made to expedite the prosecution of this application. Applicant respectfully traverses the rejections of the amended claims and reserves the right to re-introduce them and claims of an equivalent scope in a continuation application.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

Respectfully submitted,  
LAW OFFICE OF MARK J. SPOLYAR

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/Mark J. Spolyar/

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